



**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE  
STATE OF CALIFORNIA**

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Order Instituting Rulemaking to Establish the  
California Institute for Climate Solutions.

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R.07-09-008  
(Filed September 20, 2007)

**COMMENTS OF SOUTHERN CALIFORNIA EDISON COMPANY (U 333-E) ON  
PROPOSED DECISION ESTABLISHING CALIFORNIA INSTITUTE FOR CLIMATE  
SOLUTIONS**

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**March 3, 2008**

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE  
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<u>Order Instituting Rulemaking to Establish the California Institute for Climate Solutions</u>	) ) )	R.07-09-008 (Filed September 20, 2007)
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**I.**

**INTRODUCTION**

Pursuant to Rule 14 of the California Public Utilities Commission’s (Commission) Rules of Practice and Procedure, Southern California Edison Company (SCE) submits the following opening comments on the Proposed Decision Establishing California Institute for Climate Solutions (Proposed Decision). Consistent with SCE’s comments on the Order Instituting Rulemaking concerning the California Institute for Climate Solutions (CICS or Institute), SCE supports the mission of the CICS as described in the Proposed Decision. SCE believes that the coordinated research institute established in the Proposed Decision will facilitate technology developments crucial to transforming California and the world to a lower carbon-emitting society. SCE further supports the strategic planning and “roadmapping” described in the Proposed Decision that will help to ensure that the CICS funds research which is non-duplicative of other research being conducted on climate change.

SCE continues to remain concerned that, as proposed, the CICS will be funded solely by the ratepayers of the investor-owned utilities despite the fact that the Institute is intended to

benefit all Californians. SCE is also concerned that the Proposed Decision declines to require specific and measurable benefits to the ratepayers who are funding the Institute, such as intellectual property rights flowing from the Institute's research. SCE provides these comments in further detail below. SCE also requests that the Commission simplify certain aspects of the ratemaking and accounting of CICS funds. Lastly, SCE requests that the Commission clarify the following aspects of the Proposed Decision:

- The Commission should clarify the makeup of the Governing Board and ensure that all investor-owned utilities are represented on the Governing Board;
- The Commission should clarify who can apply for grants from the CICS and ensure that investor-owned utilities are eligible to receive grants from the CICS, consistent with the competitive solicitation process outlined in the Proposed Decision.
- The Commission should clarify which financial, progress, and audit reports are due, and what time(s) those reports are due.

## **II.**

### **COMMENTS**

#### **A. The CICS Should Be Funded by All Californians.**

The Proposed Decision mandates that the customers of the state's three largest Investor-Owned Utilities (IOUs) shall alone bear the cost of research that would benefit the entire state, and arguably the entire world. As noted by the Proposed Decision, numerous parties argued that the scope of the CICS is broad enough that it should be funded through legislative action and that public funding should be provided through taxes, rather than enacted by the Commission and funded by ratepayers.<sup>1</sup> The Proposed Decision declines to do so, on the basis that funding the CICS is an urgent matter that cannot wait for statewide action. Like the numerous parties

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<sup>1</sup> Proposed Decision, p. 14.

commenting on the initial CICS proposal, SCE continues to maintain that the Commission should seek an equitable funding mechanism that will reach all Californians who will benefit from the Institute. SCE is pleased to see that the Institute Director and executive committee of the Governing Board will be tasked with soliciting funds from non-ratepayer sources. SCE urges the Commission to continue to explore alternative equitable funding mechanisms to ensure that any future CICS costs are funded in a manner that will ensure that all emission-causing sectors can share in the costs of the CICS, and all residents in the State will equitably and fairly fund the Institute.

**B. The Commission Should Ensure Specific and Measurable Ratepayer Benefits, Including Intellectual Property Rights Flowing from Institute Work.**

The Proposed Decision declines to require specific and measurable ratepayer benefits and instead states that cost-effectiveness and potential return to ratepayers should be “a factor.” The Proposed Decision declines to narrow the scope of potential research to the energy sector, despite the fact that only energy sector ratepayers are funding the Institute. The Proposed Decision also declines at this time to provide ratepayers with the intellectual property benefits flowing from Institute research, and instead allows grant recipients to own intellectual property rights flowing from their work.<sup>2</sup>

Because the Proposed Decision declines to adopt a broader and more equitable funding mechanism for the CICS, it is important that the Institute provide direct and measurable benefits to the ratepayers beyond just the general benefits that will flow to all Californians. SCE appreciates the Proposed Decision’s requirement that potential grants be ranked in terms of “low,” “medium” and “high” ratepayer benefit. SCE maintains, however, that ratepayer benefit should be the focus of the Institute, not just a factor to be considered. This means that research should be targeted at energy sector technology development. It also means that ratepayers

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<sup>2</sup> Proposed Decision, pp. 50-51.

should receive the intellectual property rights flowing from the research they fund. SCE understands that the Proposed Decision declines to adopt long-term rules and policies concerning technology transfer and intellectual property at this time, and instead tasks the Technology Transfer Subcommittee with drafting intellectual property and technology transfer policies. SCE urges the Commission to require that, when developed, such policies and protocols provide ratepayers with direct benefits from intellectual property resulting from the Institute grants.

**C. The Commission Should Simplify the Ratemaking and Accounting for the CICS.**

The Proposed Decision requires the utilities to allocate the costs of the CICS on an equal cents per kWh or cents per Therm basis, and to keep the funds in a separate memorandum account until the funds are delivered to the Institute.<sup>3</sup> The ratemaking and accounting treatment is unnecessarily complex, and will require the utilities to establish a separate rate component and recording mechanism. SCE proposes that the Commission allow the utilities to use the Public Purpose Programs Charge rate component to recover the costs of the CICS, and then allow SCE to record those funds through the Public Purpose Adjustment Mechanism. Modifying the Proposed Decision in this manner will allow the utilities to recover the costs of the CICS on an equal cents per kWh basis as mandated in the Proposed Decision, but simplify the process by allowing the utilities to use a pre-existing rate component and recording mechanism. In addition, this approach would not require payments to the Institute to be dependent on when rates change or when revenues are received from customers. This approach would allow payments to start the month after the revenue requirement begins to be recorded in the existing accounts. This approach is consistent with the intent of the Proposed Decision without adding ratemaking complexity.

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<sup>3</sup> Proposed Decision, Ordering Paragraphs 6 & 7.

**D. The Commission Should Clarify Aspects of the Proposed Decision.**

**1. The Commission should clarify the makeup of the Governing Board and ensure that all investor-owned utilities are represented on the Governing Board.**

The Proposed Decision discusses the CICS Governing Board in the body of the Proposed Decision, in Attachment A to the Proposed Decision (CICS Charter), and in Attachment C to the Proposed Decision (Governing Board List). References to the make-up of the Governing Board vary in each of these discussions. For example, the body of the Proposed Decision states that the Governing Board shall have 21 members, but a count of the membership only provides 20 members. Further, the Proposed Decision appears to provide that only one investor-owned utility shall have representation on the Governing Board. The CICS Charter states that the Governing Board shall have only 18 members. Attachment C to the Proposed Decision provides that the Governing Board shall have 21 members, and provides for representation by each investor-owned utility.

SCE asks the Commission to clarify the make-up of the Governing Board and ensure that all investor-owned utilities are represented, as reflected in Attachment C. Representation on the CICS Governing Board by all investor-owned utilities is necessary and appropriate. Such representation will help reduce the potential for duplication and is also critical to ensuring that the research programs and projects undertaken by the CICS will provide direct benefits to the utility customers. The utilities have extensive knowledge and experience with emerging technologies and current RD&D and can assist in the selection of projects that will ultimately lead to the greatest customer benefit.

**2. The Commission should clarify who can apply for grants from the CICS and ensure that investor-owned utilities are eligible to receive grants from the CICS, consistent with the competitive solicitation process.**

Page 37 of Proposed Decision discusses the CICS Grant Administration Policy. Section 1(a) of this discussion states that grant applicants need not hold an academic position or be affiliated with a University or publicly-funded research laboratory. Section 1(b), however, states that applicants for a CICS *programmatic grant* must be employed by a California academic institution. SCE asks that the Commission clarify what constitutes a “programmatic grant” and affirmatively state that investor-owned utilities are eligible to apply for CICS grants, consistent with the competitive solicitation process established in the Proposed Decision.

**3. The Commission should clarify which financial, progress, and audit reports are due, and what time(s) those reports are due.**

The Proposed Decision at page 44 (and again in Ordering Paragraphs 17-23) discusses the periodic performance reviews and financial audits that will be required of the Institute. SCE strongly support such performance reviews and audits, and believes that such measures will increase the accountability of the Institute. SCE asks the Commission to clarify which reports are due when, and by whom each report must be prepared. As the Proposed Decision is currently drafted, it is difficult to discern which reports are annual vs. biennial, the content of each of the reports, which audit reports can be performed internally, which audit reports must be performed externally, and when each of these reports are due. SCE recommends that the final decision adopted by the Commission contain a table listing each report, who must perform the report, the content of the report, and the report’s due date.

### **III.**

#### **CONCLUSION**

SCE appreciates the opportunity to submit these Opening Comments on the Proposed Decision. SCE respectfully asks the Commission to modify the Proposed Decision consistent with these comments.

Respectfully submitted,

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March 3, 2008

**CERTIFICATE OF SERVICE**

I hereby certify that, pursuant to the Commission's Rules of Practice and Procedure, I have this day served a true copy of COMMENTS OF SOUTHERN CALIFORNIA EDISON COMPANY (U 338-E) ON PROPOSED DECISION ESTABLISHING THE CALIFORNIA INSTITUTE FOR CLIMATE SOLUTIONS on all parties identified on the attached service list(s). Service was effected by one or more means indicated below:

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Executed this **3<sup>rd</sup> day of March, 2008**, at Rosemead, California.

/s/ NAPA UTRAPIROMSUK

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